

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PETRACO OIL CO. LTD.,

Plaintiff,

-against-

PROGETRA SA,

Defendant.  
-----X

Index No. 08cv03115 (PAC)

AFFIRMATION IN OPPOSITION TO  
THAT PART OF RZB'S MOTION TO  
VACATE PLAINTIFF'S MARITIME  
ATTACHMENT WHICH WOULD  
PRESERVE THIS COURT'S  
JURISDICTION

**I, David I. Faust, affirm under the penalty of perjury that:**

1. I, David I. Faust, am a partner of Faust Oppenheim LLP, attorneys for the defendant in the above entitled action. As such, I am familiar with the facts and circumstances referred to herein.

2. I submit this Affirmation in opposition to that portion of RZB's motion to vacate the maritime attachment which would preserve this court's jurisdiction over defendant and/or defendant's attached assets.

3. Progetra supports RZB's first argument in its Motion to Vacate in that this Court lacks subject matter jurisdiction in this case. However, Progetra opposes RZB's second argument with regard to the Court maintaining any jurisdiction to decide any matters after the vacatur of the maritime attachment.

4. If this Court agrees, on the basis of Progetra's and RZB's motions and supporting papers, that the maritime attachment is not valid for lack of jurisdiction then, for the reasons more fully set forth in defendant's Memorandum of Law dated June 26, 2008 this Court does not have any other basis to sustain jurisdiction in this matter. Accordingly this court would have no

basis to decide any issues RZB intends to bring with regard to the defendant's wrongfully attached assets.


WHEREFORE, I respectfully request that the Court grant defendant's motion, as well as such other and further relief as may be just and proper.

**I declare under the penalty of perjury that the foregoing is true and correct.**

Dated: New York, New York  
July 7, 2008

FAUST OPPENHEIM LLP

BY:

A handwritten signature in black ink, appearing to read 'David I. Faust', is written over a horizontal line.

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